IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 2ND FEBRUARY 2007 / 13TH MAGHA 1928

WP(Crl.).No. 26 of 2007(S)

PETITIONER:

JOJI JOSE,
ITTAMPARAMBIL,
KALATHUR PO,
KOLLAM DISTRICT.

BY ADV. SRI.JOHN VARGHESE
SRI.C.M.ABRAHAM (CHALAMADAM)

RESPONDENTS:
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1. GEORGE THOMAS,
THELLIKKALAYEL,
OMALLUR, KANJIRATHANAM PO,
KOTTAYAM DIST.

2. THE CIRCLE INSPECTOR,
KADUTHURTHY POLICE STATION,
KOTTAYAM DIST.

3. THE SUPERINTEDENT OF POLICE,
KOTTAYAM.

BY ADV. SRI.N.UNNIKRISHNAN FOR R1
GOVT.PLEADER SRI.P.A.SALIM

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 02/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.P.(Crl).NO.26 OF 2007 (S)

Dated this the 2nd day of February, 2007

J U D G M E N T

KOSHY,J.

This is a petition for Habeas Corpus. The alleged detenue was present. It is submitted by the alleged detenue that she is not under illegal custody ad she is happily living with her father and mother. She has also completed her BSc Nursing course. Counsel for the petitioner submitted that petitioner has married the alleged detenue. But the alleged detenue stated that she wants to go with her father, 1st respondent. Here the only remedy for the petitioner is to approach the Family Court and not before the High Court. It is also noted that at the time of admission we have already stated that if she states that she is not under illegal custody, petitioner will have to pay heavy costs for misusing the jurisdiction of this Court instead of going to the Family Court. In these circumstances, petitioner is

directed to pay a costs of Rs.3,500/- to the respondent and the amount was also paid in open court. Since alleged detenue stated that she is not under illegal custody this writ petition is dismissed.

J.B.KOSHY, JUDGE

T.R.RAMACHANDRAN NAIR, JUDGE

prp

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

O.P.NO. OF 2006 ()

J U D G M E N T

1th January, 2007